

FTW

Docket No. 2336-181

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Young Ho PARK *et al.* : Confirmation No. 1487
U.S. Patent Application No. 10/601,597 : Group Art Unit: 2822
Filed: June 24, 2003 : Examiner: Monica Lewis
For: VERTICAL GaN LIGHT EMITTING DIODE AND METHOD FOR
MANUFACTURING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

By Official Action mailed *September 2, 2004*, restriction to one of the following inventions is required:

- Group I:** Claims 1-6, directed to a light emitting diode, classified in class 257, subclass 13; *and*
- Group II:** Claims 7-17, directed to a method for manufacturing a light-emitting diode, classified in class 438, subclass 22.

In response, Applicants hereby elect *Invention I*, upon which *claims 1-6* are readable.

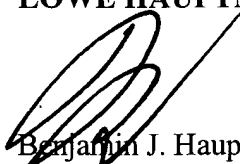
The election is made *with traverse* because the Examiner has failed to demonstrate why the product made by the Examiner's hypothetical process mentioned in page 2, lines 6-8 from bottom, of the Restriction Requirement can be regarded as being *materially* different from the claimed product. Applicants are, therefore, not persuaded that a proper Restriction Requirement has been set forth.

Early examination on the merits is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP



Benjamin J. Hauptman
Registration No. 29,310

USPTO Customer No. 22429
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111 BJH/KL/klb
(703) 518-5499 Facsimile
Date: September 27, 2004